

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION**

DARRYL D. DIGGS,)	
Plaintiff,)	Civil Action No. 7:11-cv-00439
)	
v.)	<u>MEMORANDUM OPINION</u>
)	
J. MCCARGO, <u>et al.</u>,)	By: Norman K. Moon
Defendants.)	United States District Judge

In accordance with the Memorandum Opinion entered this day, it is hereby

ORDERED

that this action is **DISMISSED without prejudice** pursuant to 42 U.S.C. §1997e(a); his motion to proceed in forma pauperis is **DISMISSED as moot**; and this case is hereby **STRICKEN** from the active docket of the court.

The Clerk of the Court is directed to send a certified copy of this Order and the accompanying Memorandum Opinion to plaintiff.

ENTER: This 15th day of September, 2011.



NORMAN K. MOON
UNITED STATES DISTRICT JUDGE